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August 21, 2013

VIA ECF

Hon. A. Kathleen Tomlinson
United States District Judge
Eastern District of New York
100 Federal Plaza, Courtroom 910
Central Islip, New York 11722

Re: 7-Eleven, Inc. v. Suneil Minhas, No. 11-5455 (E.D.N.Y.)

Dear Judge Tomlinson:

The undersigned submits this letter to request that the court extend the deadline for submission of the Joint Pre-Trial Order (currently set for September 3, 2013) and adjourn the Pre-Trial Conference (currently set for September 6, 2013). Plaintiff and defendant consent in this request.

On May 15, 2013, the parties appeared before Judge Joanna Seybert for a pre-motion conference on plaintiff's proposed motion for summary judgment. Judge Seybert did not set a briefing schedule for plaintiff's proposed motion for summary judgment, but instead urged the parties to engage in settlement discussions and scheduled another pre-motion conference for August 9, 2013 at 2:30 p.m. Due to scheduling conflicts, the parties were not able to schedule the settlement meeting prior to that date. As such, the parties requested that Judge Seybert adjourn the pre-motion conference from August 9, 2013 until September 17, 2013. Judge Seybert granted this request on August 5, 2013. The parties have now set the date for the mediation on September 17, 2013. As such, the parties have requested that Judge Seybert adjourn the pre-motion conference until September 18, 2013 or as soon thereafter as the court is available.

Given that the parties may settle the case at the mediation on September 17, 2013 or, failing that, that Judge Seybert will set a briefing schedule for plaintiff's proposed motion for summary judgment soon thereafter, the parties jointly request that the court extend the deadline for submission of the Joint Pre-Trial Order to October 1, 2013 and adjourn the Pre-Trial Conference

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until October 4, 2013. While the parties are mindful that the filing of a motion for summary judgment does not stay the Pre-Trial Order and Pre-Trial Conference requirements, moving the Pre-Trial Conference to October 4, 2013 or a date thereafter would facilitate setting a trial date while also allowing the parties to conserve their resources as they attempt to settle this case.

There have been eight prior requests to adjust the case management and scheduling order, which the court granted on July 30, 2012, September 13, 2012, October 5, 2012, November 7, 2012, and December 12, 2013. On March 12, 2013, plaintiff filed a request to extend the time to file a letter requesting a pre-motion conference and defendant filed a request to extend time to complete discovery. On March 21, 2013, the court granted plaintiff's request and denied defendant's request. On April 12, 2013, the parties requested that the court extend or stay the deadline for the submission of the Joint Pre-Trial Order and the Pre-Trial Conference. On April 15, 2013, the court granted this request in part and denied in part and set the Pre-Trial Conference for June 7, 2013. On May 17, 2013, the parties requested that the court adjourn the deadline for the submission of the Joint Pre-Trial Order and the Pre-Trial Conference. The court granted this request on May 20, 2013.

Respectfully yours,

/s/ Michael Einbinder

Michael Einbinder

cc: Stephen Sussman (via ECF)
Susan Metcalfe (via ECF)